



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-40**

December 2003

Edgewater Realty Trust
c/o Anthony Dionne
4 Powderhill Rd
Bedford, NH 03110

RE DES Wetlands File #2002-00848 136 Edgewater Dr, Gilford

Dear Mr. Dionne

On October 30, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilford Tax Map 217 as Lot 17-7 (the "Property"). The purpose of the inspection was to determine whether work on the Property was conducted in compliance with Wetlands and Non-Site Specific Permit #2002-00848 ("the Permit"), which authorized the resetting of rocks and the installation of a seasonal boat lift and two seasonal PWC lifts adjacent to an existing 12 ft. 6 in. by 40 ft. pier attached to an existing 15 ft. by 22 ft. 4 in. wharf on the Property.

The inspection revealed that work on the Property was not conducted in accordance with the Permit. During the inspection the following deficiencies were documented:

1. A 15 ft. wide by 3 ft. long wharf extension with bench seats had been added on the west end of the existing 15 ft. by 22 ft. wharf. A subsequent review of DES records indicates that no permits have been issued for the extension or bench seats to the existing wharf.

In response, you are requested to take the following actions

1. Within 30 days of receipt of this Letter of Deficiency, submit photographs to DES documenting the removal of the 15 ft. wide by 3 ft. long wharf extension along with the bench seats.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an

encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 2484

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Gilford Conservation Commission
Gilford Board of Selectmen
David Killoy, USACOE